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Children's Residential Care Update

FALL 2010



This is our third quarter *Children's Residential Care Update* for 2010. We are now in the nineteenth year of our efforts to keep the children's residential care community informed of licensing programs and services. Your support in sharing this *Update* with colleagues in your organization and others interested in children's issues is appreciated.

Our *Updates* are available online at the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) website. They can be viewed or obtained at <http://cclld.ca.gov/PG457.htm>.

THE "NEW DIRECTIONS" OF THE COMMUNITY CARE LICENSING DIVISION

The CDSS CCLD is developing the "New Directions" of CCLD. Part of CCLD's "New Directions" includes the "Strengthening Health and Safety Protections" proposal to enhance CCLD's inspection protocols in order to strengthen protections for residents/clients in care.

The "Strengthening Health and Safety Protections" proposal's cornerstone is founded on the belief that a regular and consistent presence by CCLD in community care licensed facilities decreases health and safety risks, increases provider regulation compliance, and improves resident/client outcomes. To accomplish the proposal's goals, CCLD will increase efficiency and effective use of valuable resources by inspecting facilities more frequently, in conjunction with utilizing Health and Safety Compliance Review Tools. The Health and Safety Compliance Review Tools are used to assess compliance of key indicators of compliance and risk.

Currently, CCLD's inspection protocol is to conduct compliance inspections of all facilities at least once every five years, with an annual random sample of 30 percent of facilities receiving inspections. All of these inspections include a comprehensive review of compliance with all licensing laws and regulations. Due to budget constraints, CCLD is unable to meet these inspection mandates and has made the proposal to align its resources with its mandates while also strengthening health and safety protections.

The "Strengthening Health and Safety Protections" proposal will require annual unannounced inspections of all facilities with the exception of family child care homes, which will receive a biennial inspection. Certain facilities will not be eligible for a key indicator inspection and will, therefore, receive an unannounced comprehensive health and safety compliance inspection. This would include facilities that are under a noncompliance plan, are on probation, or are pending administrative action. Facilities that do not fall within the parameters described above would receive an inspection using the Health and Safety Compliance Review Tool to review the key indicators of compliance and risk. CCLD's annual compliance inspections would expand to a comprehensive review when warranted. CCLD anticipates that inspections conducted using the Health and Safety Compliance Review Tool will take approximately half the time it currently takes to complete a health and safety compliance inspection.

CCLD met with stakeholders through the months of April, May and June 2010 to discuss the "Strengthening Health and Safety Protections" proposal. Discussions included a review of the proposal and supporting research, outcomes of field tests performed in licensed California Child Care Facilities utilizing Child Care samples of the proposed Health and Safety Compliance Tools and a review of a sample of the proposed Health and Safety Compliance Tools for multiple facility types. CCLD appreciates the input provided by stakeholders during this process.

CCLD, in conjunction with stakeholders, will continue developing the "Strengthening Health and Safety Protections" proposal as directed by the Legislature. CCLD conducted field tests during the months of July, August and September 2010 utilizing the Health and Safety Compliance Review Tool on a sample of both child care and residential facilities. Also, CCLD was able to complete a significant number of inspections during this time period using both test tools and traditional inspection protocols. Data sets were collected that are currently being analyzed. CCLD looks forward to meeting with stakeholders tentatively in December 2010 to provide preliminary information regarding the test. CCLD will continue to engage stakeholders to provide input to the "Strengthening Health and Safety Protections" proposal through additional stakeholder meetings and website postings of updates regarding the "New Directions" proposal.

For additional information on the "New Directions" of CCLD, including the "Strengthening Health and Safety Protections" proposal, please visit our website at http://www.myccl.ca.gov/default.asp?b=New_Directions.



REASONABLE AND PRUDENT PARENT STANDARD APPLICATION TO GROUP HOMES AND FOSTER PARENT TRAINING REGULATIONS APPROVED

The Office of Administrative Law has approved the “Reasonable and Prudent Parent Standard” Application to Group Homes (GH) and Foster Parent Training regulations with an anticipated effective date of October 4, 2010.

The “Reasonable and Prudent Parent Standard” complements current requirements in the California Code of Regulations (CCR) by providing direction to designated GH staff in making decisions that would allow children in GH to participate in extracurricular, enrichment, and social activities. Permitting children in GH to participate in such activities promotes a sense of normalcy for them while maintaining their health, safety and best interest.

These regulations will also add a new training requirement that provides basic instruction on existing laws and procedures to address the safety of foster youth at school and a harassment and violence-free school environment.

Highlights of the updated regulations include:

- Established standards for designated group home staff with regard to applying “Reasonable and Prudent Parent Standard” in determining whether to allow children to participate in age and developmentally-appropriate activities.
- Various sections of the group home regulations have been adopted and amended to allow for the day-to-day application of the “Reasonable and Prudent Parent Standard” (GH Regulations Sections 84001 Definitions, 84067 Reasonable and Prudent Parent Standard, 84076 Food Service, 84079 Planned Activities, 84087.2 Outdoor Activity Space, and 84088 Fixtures, Furniture, Equipment, and Supplies).
- A new requirement that specified staff and caregivers in GH, Small Family Homes (SFH), Foster Family Agencies (FFA), Foster Family Homes (FFH), and Transitional Housing Placement Programs (THPP) receive training on school programs to promote student safety, and prevent harassment and violence at school (SFH Regulations Section 83064 Licensing Responsibilities, GH Regulations Section 84090 Initial Certification Training Program, THPP Regulations Section 86065 Personnel Requirements, FFA Regulations Section 88065 Personnel Requirements, and FFH Regulations Section 89405 Training Requirements).

The “Reasonable and Prudent Parent Standard” application to Group Homes and Foster Parent Training regulations are posted on the Office of Regulations Development (ORD) website and appear under “Regulations Changes in Process/Completed Regulations”, in “Post-Hearing Regulations” at <http://www.dss.cahwnet.gov/ord/PG2190.htm>.

REGULATIONS DOCKET

Certified Family Homes (CFH) Regulations: The Public Hearing for the Certified Family Homes regulations was held July 14, 2010. No public testimony was received by CDSS. The regulations have been sent to the Office of Administrative Law (OAL) for review.

CFH regulations will conform CFH to the revised Foster Family Home (FFH) regulations. They address a long-standing need for standalone CFH regulations in order to recognize that CFH operate more like FFH rather than Small Family Homes (SFH). To provide further clarity for providers, the regulations remove current exceptions to SFH regulations and comport FFH regulations to CFH.

The proposed CFH regulations are posted on the ORD website. They appear under "Regulation Changes in Process/Completed Regulations", in "Post-Hearing Regulations" at <http://www.dss.cahwnet.gov/ord/PG2302.htm>.



CCLD CUSTOMER SERVICE

Annual Billing Changes

If you're missing your annual bill for licensing fees due for your facility, your bill will soon be in the mail. CCLD is converting from sending bills four months in advance to sending bills two months in advance of their due date.

The conversion in billing cycles caused a two month delay and no bills were sent for August and September. The last bills, sent in July, were for payments due in November. The October bills will be for payments due in December. Below is a table on the annual billing changes.

New Bills (effective Oct 2010)	Old Bills
Bill will be sent sixty days in advance of license effective date/due date. Example: Billed October 2010 = due Dec 2010.	Bill was sent four months in advance. Example: Billed August 2010 = due December 2010.
Bill will be sent to the licensee's mailing address.	Bill was sent to the facility's mailing address.
The Forfeiture Notice will be eliminated. The annual bill will be revised to include forfeiture language and instructions.	Sent a Forfeiture Notice if our records indicate the payment was not received approximately five to seven days prior to the due date.

Please note, only one bill will be sent and there will no longer be a second notice. The bills and accompanying letters have also been changed for clarity. Licensees may contact their local Children's Residential Program Regional Offices for assistance.

Community Care Licensing Division Launches MyCCL

As a reminder, the California Department of Social Services Community Care Licensing Division (CCLD) is now offering the new MyCCL information portal. In addition to providing information and resources on CCLD issues, MyCCL offers the opportunity for licensees to register and sign up for notification on items such as receiving notification on New Directions information. For information on MyCCL and how to create a MyCCL account please visit our website at <http://www.myccl.ca.gov/>.

TRAINING OPPORTUNITY

California Child Abuse Mandated Reporter Training

The potential abuse of children is of serious concern to CCLD. All licensed Children's Residential facility staff and caregivers of children who have been subject to or are at risk of child abuse are mandated reporters of child abuse and are eligible to participate in California Child Abuse Mandated Reporter Training available online.

This training will count towards training requirements in the CCR (Crisis Nurseries Regulations Section 86565(g)(8), (s)(A), and (u)(2)(B)3.; FFA Regulations Sections 88022(a)(5)(B) and (C) and 88065(a)(4); FFH Regulations Section 89405(a); GH Regulations Sections 84065(i)(3)(C) and 84265(c)(2)(A); and THPP Regulations Section 86065(a)(1)(A).

For more information and to register, please visit the California Child Abuse Mandated Reporter Training website at <http://mandatedreporter.ca.com/default.htm>.



SEASONAL INFLUENZA VACCINE FOR 2010-11

The seasonal vaccine is now available in many locations to protect you and the children in your care from influenza (the flu) this upcoming season. This vaccine will provide protection from the 2009 H1N1 pandemic flu as well as an influenza A H3N2 strain and an influenza B strain. The three strains are updated each year based on what flu strains are anticipated to be circulating during the following season. Even if you received the 2009 H1N1 flu vaccine or seasonal flu vaccine in 2009-10, you still need the 2010-11 seasonal flu vaccine.

The flu is a contagious respiratory illness that usually comes on suddenly, can cause mild to severe illness, and at times, lead to death. The most common symptoms of the flu are fever or feeling feverish/chills, a dry unproductive cough, muscle or body aches, headaches, chest discomfort, and tiredness.

Everyone six months of age and older is recommended to be vaccinated against the flu. Talk with your health care provider about getting the flu vaccine. Vaccines are available from doctor's offices, clinics, health care providers, local health departments, pharmacies, college health centers, as well as many employers, and even some schools. Additional

information on influenza may be found on the following websites: [Influenza \(Flu\)](#), [Seasonal Influenza \(Flu\) Vaccination](#), [Flu.gov](#), and [Flu and Respiratory Disease Prevention](#).

RESIDENTIAL CARE STATISTICS

All of the statistics for state and county licensed Children's Residential Care facilities are available online. When you visit the CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page. Click on the "Licensing Statistics" link on the center of the page that appears. Then, click on the desired "State Licensed Facilities by Geographical Area" or "County Licensed Facilities" link on the center of the page. Directories can also be obtained from your local licensing office.

SUMMARY

If you have questions about this *Update* or proposed regulations, or suggestions for future topics, please contact Gary Palmer, Chief of the Technical Assistance and Policy Branch at (916) 324-4312. Please visit our website at <http://www.cclld.ca.gov> to obtain *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Information about all Children's Residential facilities and homes, including Out-of-State Group Homes and the Statewide County Foster Family Home Program, is available on the CCLD website at <http://cclld.ca.gov/PG499.htm>.

Sincerely,

Original signed by Jeffrey Hiratsuka

JEFFREY HIRATSUKA
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